

JASON M. FRIERSON
United States Attorney
Nevada Bar No. 7709
District of Nevada
JACOB H. OPERSKALSKI
Assistant United States Attorney
Nevada Bar Number 14746
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101
PHONE: (702) 388-6336
jacob.operskalski@usdoj.gov
Representing the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN ANTHONY MILLER,

Defendant.

Case No.: 2:23-cr-00221-JAD-DJA

Stipulation for a Protective Order

The parties, by and through the undersigned, respectfully request that the Court issue an Order protecting from disclosure to the public or any third party not directly related to this case, any and all discovery (the “Protected Material”) in this case. The parties state as follows:

1. On November 21, 2023, a Federal Grand Jury returned an Indictment charging Miller with one count of Threatening a Federal official in violation of 18 U.S.C. § 115(a)(1)(B), and two counts of Influencing, impeding, or retaliating against a Federal official by threatening a family member in violation of 18 U.S.C. § 115(a)(1)(A) for his actions in threatening U.S. Senator 1, the family of U.S. Senator 1, and the family of U.S. Senator 2.
2. The trial date is currently set for July 2, 2024.
3. The government has discovery documenting communications with and between

1 staff members working for members of the United States Senate. The government believes that
2 dissemination of the discovery (“the Protected Material”) could potentially threaten the safety
3 of these individuals and unnecessarily disseminate internal processes and security measures.

4 4. In order to prevent dissemination of the Protected Material, the parties intend to
5 restrict access to the Protected Material in this case to the following individuals: attorneys for
6 all parties and any personnel that the attorneys for all parties consider necessary to assist in
7 performing the attorneys’ duties in the prosecution or defense of this case, including the
8 defendant, investigators, paralegals, experts, support staff, interpreters, and any other
9 individuals specifically authorized by the Court (collectively, the “Covered Individuals”).

10 5. Without leave of Court, the Covered Individuals shall not:

- 11 a. make copies for, or allow copies of any kind to be made by any other person
12 of the Protected Material in this case or permit dissemination of the Protected
13 Material, to include leaving a copy of the Protected Material at a detention
14 facility unattended;
- 15 b. allow any other person to watch, listen, or otherwise review the Protected
16 Material;
- 17 c. use the Protected Material for any other purpose other than preparing to
18 defend against or prosecute the charges in the indictment or any superseding
19 indictment arising out of this case; or
- 20 d. attach the Protected Material to any of the pleadings, briefs, or other court
21 filings except to the extent those pleadings, briefs, or filings are filed under
22 seal.

23 6. Nothing in this stipulation is intended to restrict the parties’ use or introduction of
24 the Protected Material as evidence at trial or support in motion practice. If the defendant proceeds

1 to trial or any evidentiary hearing, the parties will confer to determine whether the terms of this
2 stipulation should be revisited.

3 7. The parties shall inform any person to whom disclosure may be made pursuant
4 to this order of the existence and terms of this Court's order.

5 8. The defendant hereby stipulates to this protective order.

6 DATED this April 17, 2024.

7 Respectfully submitted,

8
9 For the United States:

10 JASON FRIERSON
United States Attorney

11 /s/ Jacob H. Operskalski
12 JACOB H. OPERSKALSKI
Assistant United States Attorney

13 For the Defense:

14 /s/ Rick Mula
15 RICK MULA
ASSISTANT FEDERAL PUBLIC DEFENDER
Attorney for JOHN ANTHONY MILLER

16 **IT IS SO ORDERED:**

17 
18 _____
HONORABLE DANIEL J. ALBREGTS
19 United States Magistrate Judge

4/18/2024

20 _____
Date
21
22
23
24